

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2000-0200-C - ORDER NO. 2000-0520  
JUNE 22, 2000

|                            |   |                   |
|----------------------------|---|-------------------|
| IN RE: Mamie L. Jackson,   | ) | ORDER GRANTING    |
|                            | ) | MOTION TO DISMISS |
| Complainant,               | ) | COMPLAINT WITHOUT |
|                            | ) | PREJUDICE         |
| vs.                        | ) |                   |
|                            | ) |                   |
| TriVergent Communications, | ) |                   |
|                            | ) |                   |
| Respondent.                | ) |                   |
|                            | ) |                   |

This matter comes before the Public Service Commission of South Carolina (the Commission) on Motions related to this Complaint Docket initiated by Mamie L. Jackson (Ms. Jackson) against TriVergent Communications, Inc. (TriVergent or the Company). First, TriVergent moves for an Order dismissing Ms. Jackson's complaint against the Company, on the grounds that Ms. Jackson failed to prefile her testimony in violation of Commission Order No. 2000-0454. The Company states that this Order required that Ms. Jackson's prefiled testimony and exhibits be filed and/or postmarked on or before June 7, 2000, and that Ms. Jackson did not comply with this Order, in that she did not file testimony or exhibits. TriVergent states that, among other things, allowing the hearing to go forward without the prefiled testimony or exhibits would constitute prejudice against that Company. TriVergent states its belief that the Complaint should be dismissed with prejudice to the refiling of same.

Ms. Jackson also filed a composite Motion which, among other things, requested that the deadline for prefilng of testimony be held in abeyance, and that the presently scheduled July hearing on her complaint be delayed. Ms. Jackson also requests, in effect, that we reconsider our Order No. 2000-0483, which Ms. Jackson alleges was non-responsive to her original complaint. This Order instructed the Executive Director to communicate this Commission's approval of TriVergent's offer to reconnect Ms. Jackson's local phone service upon receipt of a \$75 deposit.

We grant TriVergent's Motion to Dismiss Ms. Jackson's complaint, however, without prejudice to the refileing of the Complaint. Ms. Jackson clearly failed to prefile testimony and exhibits in compliance with our Order No. 2000-0454. We agree that allowing the proceeding to continue at this point without this prefilng would constitute prejudice to TriVergent, since it has not been furnished with Ms. Jackson's specific testimony and exhibits as ordered by this Commission. However, we do not wish to prejudice Ms. Jackson's right to re-file her Complaint at a later date.

Accordingly, we deny Ms. Jackson's composite Motion, including, but not limited to her request that we reconsider Order No. 2000-0483. We still believe that TriVergent's offer is a reasonable one.

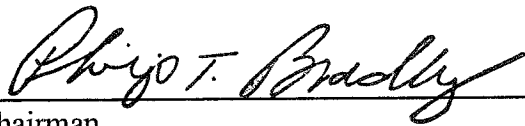
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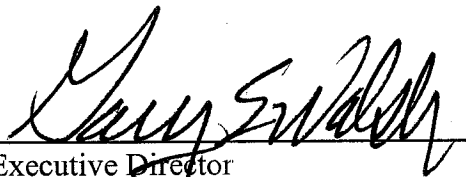
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This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)